

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. HOEFFEL. Mr. Speaker, last night I missed the first vote (#503) which authorized a Privacy Commission. I was unavoidably detained on a train from Philadelphia which was late in arriving. If present, I would have voted "nay" on the motion.

REVIEW BY CONGRESS OF PROPOSED CONSTRUCTION OF COURT FACILITIES—H.R. 5363

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing legislation to provide for the review by Congress of proposed construction of court facilities, H.R. 5363.

I am introducing this measure in response to my experience with a proposed Federal courthouse project for Orange County, New York.

In April of this year, the Judicial Council of the Second Circuit voted to rescind its prior 1992 approval for construction of a Federal courthouse in Orange County, New York.

This project began in 1991, when then Chief Judge of the U.S. District Court of the Southern District of New York the honorable Charles L. Brient, requested the board of judges to study future planning for court facilities west of the Hudson River. Subsequently, on June 1992, the board of judges of the southern district found that there was a need for a courthouse to meet the growing demands in the mid-Hudson Valley Region of New York, and voted unanimously to authorize the chief judge to apply to the Judicial Council of the Second Circuit for approval of a Federal District Court-house west of the Hudson.

Following approval of the Judicial Council of the Second Circuit on July 28, 1992, the matter was referred to the court administration and case management committee of the judicial conference of the United States. The committee reported favorably and voted unanimously in a March 1993 session of the judicial conference of the United States to "seek legislation on the court's behalf to amend title 28 of the U.S. Code, section 112(b) to establish a place for holding court in the Middletown/Walkill area of Orange County or such nearby location as may be deemed appropriate."

Accordingly, during the 104th Congress, Public Law 104-317 was approved designating that "court for the southern district shall be held at New York, White Plains, and in Middletown-Walkill area of Orange County or such nearby location as may be appropriate."

In an attempt to proceed forward in an expeditious manner the administrative office of the courts and the U.S. General Services Administration, both concurring with the need for a courthouse in Orange County, determined that a facility could and should be constructed and paid through GSA's current funding.

This project had and still has clear evidence denoting the growth in population and eco-

nomics activity in Dutchess, Orange, and Sullivan County in New York, as well as steady increases in caseload from the mid-Hudson Valley region. In fact, current statistics suggests that the need is even greater now than previously ascertained by Congress in 1996. The number of cases in 1999 that could have gone to an Orange County Courthouse, based on the location of the litigants or the attorney's residence, increased to 312, up from 290 in 1996. Moreover, the population for the region has increased to 671,767, up from 656,740 in 1996 and the total labor force has risen to 309,100 up from 301,800 in 1996.

Furthermore, it should be noted that while Congress may have acquiesced in the closure of some courthouses which have become redundant, based on considerations of economy and efficiency, I know of no situation where a court has refused to provide judicial services at a location designated by statute, where both the need exists and there is strong local support for the service. Such was and still is clearly the case with regard to the Orange County project.

Accordingly, while it is now current practice, as denoted by title 28 of the U.S. Code, for the U.S. Administrative Office of the Courts and the GSA to develop a rolling five year plan denoting the need for courthouse construction, I believe it is important for Congress to have a say in this important matter.

The legislation I introduced today will require the director of the Administrative Office of the United States Courts to submit for approval to the Congress a report setting forth the courts plans for proposed construction. Congress will have 30 legislative days to disapprove of the proposed construction.

It has become apparent to me after the experience I have had with both the Board of Judges of the southern district and the Judicial Council of the Second Circuit that an imperialistic attitude among many of our Federal judges prevail.

The decision as to whether or not to move forward with construction of a court facility is no longer based on existing evidence and data showing the need, but instead on the personal thoughts of the judges involved.

This legislation will end that practice. Accordingly, I urge my colleagues to support H.R. 5363.

H.R. 5363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL REVIEW OF NEW CONSTRUCTION FOR FEDERAL COURTS.

(a) IN GENERAL.—Section 462 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(g) (1) Facilities for holding court may not be constructed unless—

"(A) the Director of the Administrative Office of the United States Courts submits to the Congress a report setting forth the plans for the proposed construction; and

"(B) 30 days have elapsed and the Congress has not, before the end of that 30-day period, enacted a provision of law stating in substance that the Congress disapproves the proposed construction.

"(2) For purposes of paragraph (1), construction of facilities includes the alteration, improvement, remodeling, reconstruction, or enlargement of any building for purposes of holding court.

"(3) The 30-day period referred to in paragraph (1) shall be computed by excluding—

"(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

"(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session."

(b) CONFORMING AMENDMENTS.—Section 462 of title 28, United States Code, is amended—

(1) in subsection (b), by inserting before the period at the end the following: ", and subject to subsection (g)";

(2) in subsection (c), by inserting before the period at the end the following: ", and subject to subsection (g)"; and

(3) in subsection (f), by inserting "subject to subsection (g)," after "Director requests,".

CHINA'S HUMAN RIGHTS VIOLATIONS DISQUALIFY BEIJING FROM HOSTING THE 2008 OLYMPIC GAMES**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. LANTOS. Mr. Speaker, last Thursday, I introduced House Resolution 601, a resolution expressing the sense of the House of Representatives that the Olympic Games in the year 2008 should NOT be held in Beijing in the People's Republic of China. Joining me as cosponsors of this resolution are a distinguished bipartisan group of our colleagues who are leaders in the area of human rights the Gentleman from California, Mr. COX; the gentleman from Virginia, Mr. WOLF; the gentleman from New Jersey, Mr. SMITH; the gentlewoman from California, Ms. PELOSI; the gentleman from Illinois, Mr. PORTER; and the gentleman from California, Mr. ROHRBACHER.

Mr. Speaker, Beijing is one of five cities currently under consideration by the International Olympic Committee (IOC) to host the games in the year 2008. Four other cities are also still in the running—Istanbul, Turkey; Osaka, Japan; Paris, France; and Toronto, Canada. The decision on the venue for the 2008 Games will be made by the IOC at its meeting in Moscow in July 2001. Since the decision will be made in only nine months, it is important that any expression of the views of the House of Representatives be made known quickly.

Mr. Speaker, the human rights record of the People's Republic of China is abominable and it is getting worse, not better. It is completely inconsistent with the Olympic ideal to hold the Games in Beijing. As our resolution spells out in greater detail, according to most recent State Department's Country Reports on Human Rights Practices, the government of China "continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms."

I reject the argument that holding the games in Beijing will encourage the Chinese government to clean up its act with regard to human rights. The Mayor of Beijing, in connection with the city's bid to host the games, already informed a rally in the city that in preparation for the Games, the government will "resolutely smash and crack down on Falun Gong and other evil cults." If Beijing's bid is accepted, there will be more—not fewer—human rights violations.